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REMARKS

Applicant appreciates the Examiner's review of the present application. This amendment is submitted in response to the Office Action dated June 17, 2005. Claims 1-4, 7-13 and 15-26 currently stand rejected. Applicant has cancelled claim 20, amended claims 1, 15, 18 and 24-26 and respectfully submits that no new matter has been added by the amendment.

In light of the amendment and the remarks presented below, the Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §112

Claim 20 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 20 has been cancelled, thus the rejection of claim 20 is moot.

Claim Rejections - 35 USC §101

Claims 24-26 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant has amended claims 24-26 to be directed to a computer program disposed on a computer readable medium and including instructions for performing various operations. As such, claims 24-26 define statutory subject matter such that the rejection under 35 U.S.C. §101 is overcome.

Claim Rejections - 35 USC §102

Claims 1, 2, 7-10, 15-19 and 21-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by Gupta et al. (U.S. Patent No. 6,484,156, hereinafter "Gupta"). Applicant respectfully traverses.

An exemplary embodiment of the present application according to independent claim 1 includes operations of 1) providing instructions for submitting content from a remote network node; 2) transmitting the instructions to the remote network node; 3) receiving a request from the remote network node to modify a play list of a user, the request including content information from the remote network node and identification information of the user; 4) modifying the play

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list of the user to include the content from the remote network node; and 5) causing streaming of the content from the remote network node to a receiver of the user based on the modified play list. As now amended, the exemplary embodiment of independent claim 1 clarifies that the remote network node from which the request to modify the user's playlist comes is not associated with the user. In other words, for example, instructions are sent to a remote computer to allow the remote computer (not associated with the user) to add a song title to the play list of a user. The song title, thus added, is then streamed to the user according to the modified play list. Gupta fails to teach such operations with respect to content from a remote network node. More particularly, Gupta fails to teach or suggest that a *play list* associated with a first user can be modified by a second user remote from the first user, as recited by amended independent claim 1.

Independent claim 1 recites, *inter alia*, providing remote network node interface instructions for submitting remote network node content; transmitting the remote network node interface instructions to a remote network node that is independent of a user; receiving a request from the remote network node via the transmitted interface instructions to modify a play list, the request including remote network node content information and identification information of the user, the play list being associated with the user identified by the identification information. In other words, instructions are provided and transmitted to allow a remote network node independent of the user to request to modify a play list associated with an identified user. Such modification includes information having remote network node content. The Office Action cites col. 18, lines 14-21 of Gupta as teaching all of these features. However, a careful reading of Gupta indicates that there is no teaching or suggestion in either the cited passage, or all of Gupta, that instructions are provided or transmitted to allow remote network node content to be used to modify a play list. In fact, in describing Figure 11, Gupta discloses that a user is able to reorder media segments to modify the play list (col. 17, lines 47-48). There is no teaching or suggestion in Gupta of a remote user or remote network node independent of the user providing a request to modify the play list with remote network node content. Since Gupta discloses only that the user can modify the play list, any request in Gupta to modify the play list does not include remote network node content information as claimed in independent claim 1. Since Gupta fails to teach or suggest an analog to remote network node content as it relates to receipt and transmission of

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instructions to modify the play list, Gupta fails to teach or suggest providing remote network node interface instructions for submitting remote network node content; transmitting the remote network node interface instructions to a remote network node that is independent of a user; receiving a request from the remote network node via the transmitted interface instructions to modify a play list, the request including remote network node content information and identification information of the user, the play list being associated with the user identified by the identification information as claimed in independent claim 1.

Independent claim 1 also recites, *inter alia*, modifying the play list associated with the user to include a reference to the remote network node content, the play list identifying content for streaming delivery to a network receiver associated with the identified user. In other words, the user's play list is modified to include the remote network node content that is submitted in a manner independent of the user. Gupta does teach that a particular annotation set may be given read/write security to allow a creator of the annotation set to allow others to modify the annotation set (col. 14, lines 53-57). However, an annotation set is not analogous to the play list of the present application as evidenced by the fact that Gupta specifically teaches a play list apart from the annotation set. Thus, although Gupta teaches an annotation set that may be modified by others, Gupta fails to teach or suggest a play list that may be modified by others, as recited by amended independent claim 1.

Furthermore, Gupta discloses that the play list can be stored by its creator and retrieved by other users (col. 18, lines 13-21). However, the cited passage, in particular, and Gupta, in general, fails to teach or suggest that the play list, once retrieved, may be modified by other users. Rather, the saved content (collection of media segments) may be expeditiously streamed to other users without an additional query (col. 18, lines 17-19). The saved content may be annotated (col. 18, lines 20-21), but there is no teaching or suggestion that the play list can be modified. Gupta's failure to disclose an ability of other users to modify the play list once retrieved, in light of Gupta's specific teaching of such ability with respect to annotation sets is further evidence of the patentable distinction between Gupta and the claimed invention. Thus Gupta fails to teach or suggest modifying the play list associated with the user to include a reference to the remote network node content (i.e., that content provided from a remote network

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node that is independent of the user), the play list identifying content for streaming delivery to a network receiver associated with the identified user as claimed in independent claim 1.

It is respectfully submitted that independent claims 15 and 18 recite a system and a computer program, respectively, that include comparable recitations to those discussed above with respect to claim 1. Thus, independent claims 15 and 18 are patentable for at least the same reasons given above for claim 1. Claims 2, 7-10, 16, 17, 19 and 21-23 depend from corresponding independent claims 1, 15 and 18, and thus include all the recitations of their corresponding independent claims. Therefore, dependent claims 2, 7-10, 16, 17, 19 and 21-23 are patentable for at least the same reasons given above for independent claims 1, 15 and 18.

Accordingly, it is respectfully submitted that the rejections of claims 1, 2, 7-10, 15-19 and 21-23 under 35 U.S.C. §102(e) are overcome.

Claim Rejections - 35 USC §103

Claims 2-4

Claims 2-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gupta in view of Bowman-Amuah (U.S. Patent No. 6,606,660). Applicant respectfully traverses.

As stated above, Gupta fails to teach or suggest modifying the play list associated with the user to include a reference to the remote network node content as recited in independent claim 1.

Bowman-Amuah describes a stream-based communication system and method, where a message to be sent from a sending system in a shared format is first translated to a stream-based format and then sent to the receiving system. Bowman-Amuah also does not teach or suggest modifying the play list associated with the user to include a reference to the remote network node content.

Since neither Gupta nor Bowman-Amuah individually teach or suggest modifying the play list associated with the user to include a reference to the remote network node content, the combination of the references likewise fails to teach or suggest this feature of independent claim 1. Thus, the cited references, taken either individually or in combination, do not render

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independent claim 1 obvious. Claims 2-4 depend either directly or indirectly from independent claim 1, and thus include all the recitations of independent claim 1. Thus, dependent claims 2-4 are patentable for at least the same reasons as given above for the independent claim 1.

Accordingly, it is respectfully submitted that the rejections of claims 2-4 are overcome.

Claims 11-13

Claims 11-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gupta in view of Pezzillo et al. (U.S. Patent No. 6,434,621, hereinafter "Pezzillo"). Applicant respectfully traverses.

As stated above, Gupta fails to teach or suggest a remote network node sending remote network node content and user information for modifying the play list associated with the user to include a reference to the remote network node content as recited in independent claim 1.

Pezzillo describes a system for enabling Internet or intranet broadcasting that offers audio and webcast information. Pezzillo also does not teach or suggest a remote network node sending remote network node content and user information for modifying the play list associated with the user to include a reference to the remote network node content and is not cited in the Office Action as teaching such feature.

Since neither Gupta nor Pezzillo individually teach or suggest a remote network node sending remote network node content and user information for modifying the play list associated with the user to include a reference to the remote network node content, the combination of the references likewise fails to teach or suggest this feature of independent claim 1. Thus, the cited references, taken either individually or in combination, do not render independent claim 1 obvious. Claims 11-13 depend either directly or indirectly from independent claim 1, and thus include all the recitations of independent claim 1. Thus, dependent claims 11-13 are patentable for at least the same reasons as given above for the independent claim 1.

Accordingly, it is respectfully submitted that the rejections of claims 11-13 are overcome.

Claims 24-26

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Claims 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pezzillo. Applicant respectfully traverses.

Independent claim 24 has been amended to recite, inter alia, a computer program including instructions for causing a processor to receive input from a remote network node including remote network node content and user information for modifying a play list associated with the user. As stated above, Pezzillo fails to teach or suggest a remote network node sending remote network node content and user information for modifying the play list associated with the user to include a reference to the remote network node content as recited in independent claim 24.

Since Pezzillo fails to teach or suggest a remote network node sending remote network node content and user information for modifying the play list associated with the user to include a reference to the remote network node content, Pezzillo does not render independent claim 24 obvious. Claims 25 and 26 depend either directly or indirectly from independent claim 24, and thus include all the recitations of independent claim 24. Thus, dependent claims 25 and 26 are patentable for at least the same reasons as given above for the independent claim 24.

Accordingly, it is respectfully submitted that the rejections of claims 24-26 are overcome.

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CONCLUSION

In view of the amended claims and the remarks presented above, Applicant submits that the present set of claims is in condition for immediate allowance. As such, the issuance of a Notice of Allowance is respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

In the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 07-2347.

Respectfully submitted,



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I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the United States Patent Office at 571-273-8300.

Dated: October 17, 2005

Signature: 

Christian R. Andersen

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